

:M I N U T E S
SANDY CITY COUNCIL MEETING
Sandy City Hall - Council Chamber Room #211
10000 Centennial Parkway
Sandy, Utah 84070

August 14, 2007

Meeting was commenced at **7:05 p.m.**

PRESENT:

Council Members: Chairman Bryant Anderson, Vice Chairman Chris McCandless, Scott Cowdell, Steve Fairbanks, Linda Martinez Saville, Stephen Smith, and Dennis Tenney

Mayor: Tom Dolan

Others in Attendance: CAO Byron Jorgenson; City Attorney Walter Miller; Assistant Community Development Director Nick Duerksen; Planning Manager Jim McNulty; Public Works Director Rick Smith; Economic Development Director Randy Sant; Deputy to the Mayor John Hiskey; Police Chief Stephen Chapman; Parks & Recreation Director Nancy Shay; Administrative Services Director Art Hunter; Council Office Director Phil Glenn; Council Office Manager Pam Lehman

1. **OPENING REMARKS/PRAYER/PLEDGE:**

The Prayer was offered by **Boy Scout James Herbert-Voss** of Troop #817, and the Pledge was led by **Riley Richards**, also of Troop #817.

2. **CITIZEN(S) COMMENTS:**

a. **There were no Citizen Comments**

PUBLIC HEARING(S):

3. **Lauren Gardens II Rezone**

Public Hearing to consider a request submitted by Brett Hansen, of L2 Holdings, LLC. to rezone approximately 0.99 acres from the R-1-40A "Residential District", to the R-1-15 "Residential District". The rezoning would help facilitate the development of a future single family subdivision. The property is located at approximately 576 East 11000 South.

Discussion: Brett Hansen, of L2 Holdings, LLC., is requesting to ***rezone approximately 0.99 acres from the R-1-40A "Residential District" to the R-1-15 "Residential District"***. The property abuts the Lauren Gardens I Rezoning to the south (heard by the PC on June 7, 2007). The property is also adjacent to the Farnsworth Farms, Phase I project which was rezoned to R-1-10 in January of 2005 (Farnsworth Farms #1 Subdivision, 33-lots), and the Farnsworth Farms, Phase II project which was also rezoned to R-1-10 in June of 2006 (Farnsworth Farms #2 Subdivision, 10-lots). This rezoning would help facilitate the development of a future single-family subdivision (Lauren Gardens Phase II) with a public road connection to 11000 South. The Planning Commission may recall that the Phase I rezoning included plans for an 8-lot subdivision. A neighborhood meeting was conducted for the proposed Lauren Gardens Subdivision on June 20, 2007. The minutes from this meeting indicate that the residents are in favor of the proposed rezonings, however, they do have a few concerns associated with the design of the proposed subdivision

The subject property is generally flat and adjacent to an R-1-10 residential subdivision to the south and east (Farnsworth Farms #1 & #2 Subdivisions), with 11000 South Street to the north. To the west there is an existing R-1-10 residential subdivision. The property is just northeast of the original Farnsworth Farm Subdivision. ***On October 24, 1995, the City Council adopted Ordinance #95-33***, which placed an R-1-10 and R-1-20 "Residential District" zoning on properties within the general vicinity of this proposal. This rezoning included a total of 19.93 acres of property.

Lots adjacent to 11000 South were required to have a minimum lot size of 20,000 square feet. Lots on the interior portion of the site adjacent to this proposal were required to have a minimum lot size of 10,000 square feet. ***On January 12, 2005, the City Council adopted Ordinance #05-04*** which placed an R-1-10 "Residential District" zoning on the property immediately south of this

proposal. This rezoning included a total of 12.95 acres. Also, on **June 12, 2006, the City Council adopted Ordinance #06-16** which placed an R-1-10 "Residential District" zoning on the property immediately east of this proposal. The applicant's request is in harmony with the adjacent residential neighborhood.

ANALYSIS

The applicant is requesting that the property be rezoned to help facilitate the development of a future single family subdivision with a public road connection to 11000 South. The subject property is vacant with the exception of one existing home with frontage along 11000 South. It is proposed to rezone this parcel to the R-1-15 "Residential District" to be in harmony with previous rezonings in the immediate area. Adjacent properties to the south, east and west were rezoned in 1995, 2005 and 2006 (Farnsworth Rezoning - Ordinance #95-33, Farnsworth Farms Rezoning - Ordinance #05-04 & Ordinance #06-16) to allow for R-1-10 "Residential District" and R-1-20 "Residential District" development. As a result, the Orchard Farms Subdivision, Phases #1 thru #3 have been developed, and the Farnsworth Farms, Phases I & II projects are currently under construction. This proposal would be an extension of those projects.

The Crescent Community's Goals and Policies indicate the following:

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| <i>Goal:</i> | 1. <i>Honor existing rural atmosphere and natural resources.</i> |
| <i>Policies:</i> | b. <i>Encourage lots of one/half acre or more in existing rural area.
Recommend the adopting of a R-1-10 lot size as a minimum.</i> |

The City's General Plan indicates the following:

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|------------------|--|
| <i>Goal:</i> | <i>To design neighborhoods to facilitate neighborhood identity and to preserve the character of the Neighborhoods once established.</i> |
| <i>Policies:</i> | <i>Recognize that economics alone is not sufficient reason to alter established neighborhoods. Human and environmental impacts also should be recognized.
Require proposed zoning changes to be in harmony with established neighborhoods.</i> |

The residential identity of the Crescent Community is rural in nature or "country", with some smaller lot developments (Orchard Farms Subdivision to the southwest is R-1-10, Farnsworth Farms Subdivisions to the south and east are also R-1-10). The proposed rezoning and subdivision conforms with the Crescent "Backbone Study" and would not compromise this rural identity. Staff is comfortable with the proposed rezoning and subdivision of the subject property.

Staff does have a concern related to the rezoning of this property. Access needs to be provided through the subject property to allow for a future public road connection to 11000 South. This will allow for better ingress/egress in the area. The applicant has indicated that he intends to provide this access in the future, however, staff wants to make sure that this occurs with a future subdivision of the property. If this is not included, staff will not recommend that the subdivision of property to be approved.

Consideration regarding any development on this property or in this area should also take into account the following issues as part of the subdivision review process:

- ☐ Access and public street requirements
- ☐ Providing access to adjacent properties for future development
- ☐ Environmental concerns (irrigation, drainage, etc.)
- ☐ Project compatibility
- ☐ Acceptable grading plan

Mr. McNulty noted that the Community Coordinator, Robert Stevens, who was unable to attend the meeting, telephoned the Planning Office to voice his support of the proposed rezone

STAFF RECOMMENDATION

Staff recommends that the proposed Lauren Gardens II Rezoning from the R-1-40A "Residential District" to the R-1-15 "Residential District" be approved based upon the following findings:

- a. The proposed rezoning is in harmony with the Sandy City General Plan and the Crescent Community Goals and Policies.
- b. The R-1-15 "Residential District" would be consistent with the zoning approved for the Orchard Farms Subdivisions, Phases #1 thru #3 and the Farnsworth Farms, Phases I & II projects in the immediate vicinity.
- c. The R-1-15 "Residential District" would not jeopardize the rural/country atmosphere in the area.
- d. Staff feels that no matter what zoning this parcel is given, it must provide for a public road access to 11000 South.
- e. The proposed rezoning conforms with the Crescent "Backbone Study."

Dennis Tenney asked if the developer would be required to comply with the development of the public road onto 11000 South.

Jim McNulty indicated that the roadway is included as one of the findings in the report, and that the developer must provide public road access onto 11000 South from his development.

Dennis Tenney asked if the developer was willing to comply with Staff's request.

Jim McNulty stated that the applicant is willing to comply with the request. Currently, the developer is working on Phase One of the project. Phase two of the project will be completed sometime next year, and will include the completion of the proposed road.

Chairman Anderson asked the applicant if he had any comments.

Brett Hanson, Applicant, 542 East 11000 South, stated that he would be willing to answer any questions the Council may have.

Bryant Anderson asked Mr. Hanson if he was comfortable with the proposal for a public access onto 11000 South.

Mr. Hanson indicated that he has agreed to install the road once Phase Two of the project has been completed.

Chairman Anderson opened the public hearing. **As there were no comments, the public hearing was closed.**

Scott Cowdell commented that he was not opposed to the rezone as long as the residents living in the "Crescent backbone" understand that the lot sizes will be smaller in size with no animal rights.

Motion: **Chris McCandless** made the motion to have documents brought back to adopt the Lauren Gardens Rezone II, rezoning approximately 0.99 acres from the R-1-40A "Residential District", to the R-1-15 "Residential District", as recommended by Staff.

Second: **Linda Martinez Saville**

Vote: **McCandless- Yes, Saville-Yes, Cowdell – Yes, Smith - Yes, Fairbanks - Yes, Tenney – Yes, Anderson – Yes.**

Motion Approved: All in Favor

4. **Code Amendment: Special Exception for Horses**

Public Hearing to consider the following: A proposal to amend 15-05-04(G), Residential Standards- Zoning for Animals, Sandy City Land Development Code, to create a Special Exception that would increase the number of horse that can be legally kept on property with farm animal rights.

Discussion: **Chairman Anderson** noted that representatives of the Bell Canyon Homeowners' Association requested that their application to amend the Sandy City Development Code creating a Special Exception allowing for additional horses on property zoned with animal rights, be withdrawn.

Phil Glenn indicated that since this had been noticed as a public hearing, could Chairman Anderson ask if anyone in the audience was in attendance for that purpose, and to request a motion to table this issue to a future date.

Chairman Anderson asked if anyone in the audience wanted to speak regarding this issue. **As there were no comments, Chairman Anderson called for a motion.**

Jim McNulty reported that representatives of the homeowners' association submitted the application and paid fees to go through the process. Now different representatives of the homeowners' association asked that their request be withdrawn. The Planning Department sent out notices to all residents in Bell Canyon of the cancellation of the public meeting. **[Ref: Exhibit "A"]**

Wally Miller recommenced that the Council close the public hearing and table this item.

Steve Smith stated that it was his understanding that the Bell Canyon Home Owners' Association brought this request to the City in order to bring the standards of the Bell Canyon Homeowner's Association in compliance with City ordinances.

Jim McNulty indicated that it was the intent of the Bell Canyon Homeowners' Association to bring this issue back at a later date to bring standards into compliance with City ordinances.

Motion: **Dennis Tenney** made the motion to close the public hearing and to table the Code Amendment: Special Exception for Horses per the request of the Bell Canyon Home Owner's Association.

Second: **Scott Cowdell**

Vote: **Tenney- Yes, Cowdell- Yes, McCandless- Yes, Smith - Yes, Fairbanks - Yes, Saville –Yes, Anderson – Yes.**

Motion Approved: All in Favor

COUNCIL ITEMS:

5. **Sandy City Cemetery Notice Claim with Sandy City Recorder**

Resolution #07-40 C – requiring the owner of a lot, site or portion of the Sandy City Cemetery, which has been unused for burial purposes for more than 60 years to file a notice of claim to the lot, site or parcel with the Sandy City Recorder.

Discussion: **Parks and Recreation Director Nancy Shay** reported that this was the second group of Sandy City cemetery lots that have not been used in over 60 years. If an owner fails to state a valid interest in the use of a cemetery lot, site or portion of the cemetery for burial purposes, the owner's rights may be terminated and vested in Sandy City. Utah Code authorizes the City Council to pass a resolution requiring that the owner of a lot, site or portion of the Sandy City Cemetery, which has been unused for burial purposes for more than 60 years, file with the City Recorder notice of any claim to the lot. The City Recorder's Office is also required to post a notice of claim in the newspaper for 60 days.

Scott Cowdell asked what measures the City has taken to make certain that the original owners of the burial plots have been notified.

Nancy Shay indicated that all possible avenues are taken to contact the owners of these plots. When no contact or information is obtained, they follow State Law by posting claim notices in the newspaper for 60

days. Ms. Shay asked the Council that if they knew any one on the list to please contact the Parks and Recreation Department.

Motion: **Steve Fairbanks** made the motion to adopt **Resolution #07-40 C**, requiring the owner of a lot, site or portion of the Sandy City Cemetery, which has been unused for burial purposes for more than 60 years to file a notice of claim to the lot, site or parcel with the Sandy City Recorder.

Second: **Chris McCandless**

Vote: **Fairbanks- Yes, McCandless- Yes, Smith - Yes, Tenney-Yes, Saville –Yes, Cowdell – Yes, Anderson – Yes.**

Motion Approved: All in Favor

At approximately 7:30 p.m., Steve Fairbanks made a motion, seconded by Dennis Tenney, to adjourn City Council Meeting and reconvene into:

****Redevelopment Agency Meeting ***

[See Separate Agenda & Minutes]

*** At approximately 9:10 p.m., Steve Fairbanks made a motion, seconded by Dennis Tenney to adjourn Redevelopment Agency Meeting and reconvene into:

***Sandy City Council Meeting ***

6. **Redevelopment Agency Contribution Agreement**

Resolution #07- 26C - consideration for adoption of a resolution of the Governing Body of Sandy City, Utah (The "City") approving an annual contribution agreement between the City and the Redevelopment Agency of Sandy City, Utah ("The Agency") authorizing the execution and delivery of said annual contribution agreement; and related matters.

Motion: **Dennis Tenney** made the motion to adopt **Resolution #07- 26C** - consideration for adoption of a resolution of the Governing Body of Sandy City, Utah (The "City") approving an annual contribution agreement between the City and the Redevelopment Agency of Sandy City, Utah ("The Agency") authorizing the execution and delivery of said annual contribution agreement; and related matters.

Second: **Chris McCandless**

Vote: **Tenney- Yes, McCandless- Yes, Cowdell- Yes, Fairbanks- Yes, Smith - Yes, Saville –Yes, Anderson – Yes.**

Motion Approved: All in Favor

7. **Funds Transfer: General Fund** [\$2,900 School District Feasibility Study]

Resolution #07-41 C – transferring funds within the General Fund.

Discussion: **Scott Cowdell** asked if the \$2,900 was Sandy City's portion of costs for the Feasibility Study.

Mayor Dolan noted that this was the City's portion to help fund the study. Alta, Salt Lake County, Cottonwood Heights, Midvale, Draper, and Sandy City participated and would each pay their portion of the costs.

Motion: **Chris McCandless** made the motion to adopt **Resolution #07-41 C**, transferring funds within the General Fund for \$2,900 for the School District Feasibility Study.

Second: **Steve Fairbanks**

Vote: **McCandless – Yes, Fairbanks – Yes, Tenney – Yes, *Cowdell- Abstained from the vote; Saville- Yes, Smith- Yes, Anderson – Yes,**

Motion Approved: All in Favor

* Mr. Cowdell abstained from the vote since he is currently employed by the Jordan School District.

8. **Amending City Council Rules and Procedures**
Resolution #07-42 C – consideration of a resolution amending the City Council Rules and Procedures.

Motion: **Chris McCandless** made the motion to adopt **Resolution #07-42 C**, amending the City Council Rules and Procedures.

Second: **Steve Fairbanks**

Discussion on the Motion: **Mr. Cowdell** indicated that through the process of amending the City Council Rules and Procedures, the time was extended for Council discussion, but nothing was mentioned to extend the time for public comments. He moved that public comments be extended from 3 minutes to 5 minutes, and that time given to a representative of a group be increased from 5 minutes to 8 minutes.

Mr. McCandless indicated that he would be willing to amend his motion to include Mr. Cowdell's recommendation.

Mr. Cowdell then indicated that he would still vote "no" to the motion.

Phil Glenn indicated that the current rules state that the Chairman and or a majority consensus from the Council may extend the time for Citizen Comments.

Chris McCandless then indicated that he would not support Mr. Cowdell's amendment to the motion.

Steve Fairbanks stated that he did not agree with Mr. Cowdell's representation since the amendment that was made to the Council Rules and Procedures was to define when a Council member can ask questions, and had nothing to do with increasing time for Citizen Comments.

Mr. Anderson said that the new procedure appears to have application to all council discussions.

Mr. Fairbanks called the question. Mr. Glenn called Point of Order.

Mr. Glenn felt that it was important to note that the new rule, as written, deals only with public hearings. If the Council wants to include Planning Meetings conduct as part of the amendment, clarifying language would need to be made at this point.

Mr. Anderson stated that it was not the desire of the Council to include Planning Meetings conduct in the amendment.

Vote: **McCandless- Yes, Fairbanks- Yes, Saville- No, Tenney- Yes, Cowdell- No, Smith - Yes, Anderson – Yes.**

Motion Approved: 5 in favor – 2 opposed

Dennis Tenney commented that he believes that the Council needs to be sensitive to the Public's needs, and to remember, that the public wants the Council to listen to their comments.

MINUTES:

9. Approving the **July 10, 2007** and the **July 17, 2007** City Council Meeting Minutes.

Motion: **Steve Fairbanks** made the motion to approve the **July 10, 2007** and the **July 17, 2007**, City Council Meeting Minutes as written.

Second: **Steve Smith**

Vote: **The Council responded verbally in the affirmative to the motion.**

Motion Approved: All In Favor

10. **MAYOR'S REPORT**

- a. **Mayor Dolan** reported that the Orchestra from Reisa, Germany would be performing at the West Valley Cultural Center. A friendship tree was planted in Lone Peak Park in conjunction with their visit.

- b. **Mayor Dolan** reported that the State Legislative Tour would take place on Thursday, August 16, 2007. The tour would include a visit to the County Soccer site along with other venues.
- c. **Mayor Dolan** reported that the first annual Sandy Balloon Festival was a great success with an estimated 7,000 people attending during the two-day event. He reported that it was too windy to launch many of the balloons on Friday and Saturday, but that did not seem to be a deterrent to those who attended. Many positive comments came from the residents asking that the event be held again next year. The Administration will be coming back with a proposal for the Council's approval for a Sandy City Balloon festival next year.
- d. **Mayor Dolan** praised Economic Development Director Randy Sant for the time and efforts he spent negotiating agreements for the soccer stadium in Sandy. He stated that this could not have been accomplished without Mr. Sant's expertise and knowledge.

11. **CAO'S REPORT**

- a. **CAO Byron Jorgenson** reported that the construction on Fire Station 32 was nearing completion. He indicated that an open house would be held in the near future.
- b. **Chief Chapman** reported that Officer Ray Howell, who was involved in an auto/motorcycle accident earlier in the week, was improving and very fortunate that he did not suffer more serious injuries. He was in pursuit of a speeding vehicle with his lights and sirens on when a car pulled out in front of him. He hit the back of the car suffering a broken foot and collarbone. Mr. Chapman indicated that the minimal injuries could be attributed to the special braking systems that were installed last year on all of the police motorcycles.
- c. **Chief Chapman** expressed appreciation to the Council and those who participated in the National Night Out Against Crime. Mr. Chapman indicated that he received feedback from residents expressing appreciation for the Council's participation in the neighborhood activities.
- d. **Chief Chapman** reported on a special neighborhood meeting that was held regarding noise concerns associated with the Little Cottonwood Center. He believed the meeting was a success providing an opportunity for residents to voice their concerns. He also felt that certain individuals made accusations that were not correct, and had some misunderstandings on delivery times, and exactly when the Police Department can or cannot issue a citation.

Steve Fairbanks asked if the noise coming from the center had been measured with special equipment.

Chief Chapman stated that the noise could be measured, however, it would be very difficult to issue citations on those findings alone. Mr. Chapman read portions from the noise ordinance to the Council.

Dennis Tenney asked if the Council could receive a copy of the noise ordinance in order to respond to citizens who may have a concern. so that they can respond to the residents' questions.

- e. **John Hiskey** presented an update on the joint meeting that was held with the Interim Education Committee of the State Legislature on the School District issue. He indicated that significant progress was made in the hopes of holding a special legislative session. Language has been included in the bill providing a 5-6 year time frame for students in the system to attend Cottonwood High School, providing for funding equalization and how the growth on the west side can be sustained if the districts are divided. These proposals will go to leadership, and leadership will approach the Governor requesting that a special session is held.
- f. **John Hiskey** reported that the Administration would be meeting with Bill Simmons from the Dutko Group, on Friday to discuss funding requests.

- g. **John Hiskey** reported that the County would be sending an Interlocal Agreement in the near future on Townships based on the percentage of township areas.

12. **COUNCIL OFFICE DIRECTOR'S REPORT**

- a. **Mr. Glenn** presented a copy of the updated monthly calendar. He informed that Council that prior to next week's tour, a meeting would be held to discuss legislative proposals for future water rights of municipalities.
- b. **Mr. Glenn** informed the Council that computers for various Council members had arrived and that he would be scheduling individual times to explain the operations of these computers with them. He asked the other two Council members to inform him if they are interested in receiving new computers. He advised the Council that three old computers in the Council Office had failed recently and would also need to be replaced.
- c. **Mr. Glenn** asked the Council to please inform the Council Office if they are planning on attending the San Antonio and New Orleans conferences. Mr. Tenney indicated that he would also like to attend the conference.

13. **OTHER COUNCIL BUSINESS**

- a. **Scott Cowdell** reported that the concert held on Sunday, August 12th, in the Historic Main Street Park, was a great success, with some 400-500 people in attendance. Mr. Cowdell stated that he would like to see 3-4 concerts a year held in the park. He stated "whoever thought of this had a wonderful idea".
- c. **Bryant Anderson** informed the Council that he has scheduled a meeting for the Council to discuss residents concerns associated with noise at the Little Cottonwood Center on Tuesday, August 28th.

At approximately 9:45 p.m., Chris McCandless made a motion to adjourn Council Meeting, motion seconded by Steve Fairbanks .

The content of the minutes is not intended, nor are they submitted, as a verbatim transcription of the meeting. These minutes are a brief overview of what occurred at the meeting.

Bryant F. Anderson
Council Chairman

Pam Lehman
Council Office Manager